

## **REMARKS/ARGUMENTS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 3-5 and 22-33 are pending in the present application. Claims 1, 2, and 6-21 have been canceled. Claims 3-5 have been amended. Claims 3-5 and 22-33 are independent claims. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and the following Remarks.

### **Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized Applicants' claim for foreign priority. In view of the fact that Applicants' claim for foreign priority has been perfected, no additional action is required from Applicants at this time.

### **Drawings**

There is no indication in the Office Action that the Examiner has accepted the Formal Drawings filed on July 7, 2000. It is respectfully submitted that the Formal Drawings comply with the requirements of the USPTO. Should the Examiner have any objections to the drawings, it is respectfully requested that the undersigned be contacted as soon as possible so that the appropriate action may be taken. No further action is believed to be necessary until such notification is received.

**Acknowledgment of Information Disclosure Statement**

The Examiner has acknowledged the Information Disclosure Statement filed on January 31, 2001. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

**Rejection Under 35 U.S.C. § 102**

Claims 1-9 and 16-18 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,157,436 to Cok (hereafter Cok). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Initially, Applicants submit that this rejection has been rendered moot as it pertains to claims 1, 2, 6-9, and 16-18, by virtue of the cancellation of these claims.

It is respectfully submitted that claims 3-5 are not anticipated by Cok. MPEP § 2131 sets forth the following:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USQP2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that Cok does not set forth each and every element as defined in the claims.

Claim 3

Claim 3 has been amended into independent form. Claim 3 recites transmitting, from the print processing device to the print order device, data representing a calculated print end time. Claim 3 further recites that this data is output to a user by the print order device. It is respectfully submitted that Cok fails to disclose these features.

Cok discloses a photographic laboratory system that incorporates an image printing apparatus. In this system, an operator station 120 is used to enter customer order information (see col. 8, lines 1-9). Cok discloses that customer instructions are thereafter transmitted from the operator station 120 to an image data manager (IDM) 170. According to Cok, the IDM 170 interrogates each of a plurality of printers 130, 132, 134 to obtain status information, which includes the estimated time to complete printing. The response to this interrogation is sent back to the IDM 170 via network 104.

In the Office Action, the Examiner relies on the combination of the splicer 100 and scanner 102 of Cok to teach the claimed print order device (see page 3). The Examiner further relies on Cok's IDM 170 to disclose the claimed print processing device. There is simply no teaching in Cok that the estimated time to complete printing is sent from the IDM 170 to either the splicer 100 or scanner 102. In fact, there is no disclosure that the IDM 170 transmits the estimated time to complete printing to any other device. Thus, Applicants respectfully submits that Cok fails to disclose that print end time data is transmitted from the print processing device (i.e., IDM 170), or that such data is transmitted to the print order device (i.e., splicer 100 / scanner 102), as required by claim 3.

Furthermore, there is simply no disclosure in Cok that the IDM 170 directly outputs to a user, or otherwise notifies a user about, the estimated time to complete printing to a user. Thus, Cok fails to disclose outputting the print end time data to a user, as further required by claim 3.

At least for the reasons set forth above, it is respectfully submitted that Cok fails to disclose each and every claimed feature in claim 3. Thus, reconsideration and withdrawal of the rejection of claim 3 is respectfully requested.

#### Claim 4

According to the above amendments, claim 4 has been rewritten into independent form. Claim 4 recites that the print processing device calculates a print charge according to the image data and order data transmitted from the print order device. Applicants respectfully submit that these features are not disclosed by Cok.

In page 4 of the Office Action, the Examiner asserts that "Cok discloses calculating a cost according to the image data and order information," citing col. 5, lines 39-42. However, in col. 5, lines 39-42, Cok discloses the following:

*In the present application, it will be understood that a photographic laboratory includes a wholesale or retail photofinishing environment where many images from multiple customers are processed at a cost to the customers.*

Applicants respectfully submit that there is nothing in the above passage that discloses that the IDM 170, which is interpreted by the Examiner to be the print processing device, calculates any print charge. Applicants further submit that no other part of Cok provides any such express disclosure. Furthermore, it is respectfully submitted that

nothing in Cok discloses that a print charge is calculated according to the image data and order data transmitted by a print order device.

Accordingly, Cok fails to expressly teach the that a print processing device calculates a print charge based on image data and order data transmitted from a print order device, as required by claim 4.

Because Cok fails to disclose every feature recited in claim 4, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 4.

#### Claim 5

In the above claim amendment, claim 5 has been rewritten in independent form. Claim 5 recites transmitting, from the print order device to the print processing device, an instruction to change the print sequence. Claim 5 further recites that the print processing device changes the print sequence according to the transmitted change instruction.

In page 4 of the Office Action, the Examiner asserts the following:

*Cok discloses controlling the printer to print out the images in the sequence in which they were received (column 10, lines 14-51), and a change instruction device (100) for transmitting an instruction to change the print sequence (column 10, lines 51-59 and column 11, lines 9-52).*

Applicants respectfully do not understand how the Examiner is interpreting the above-cited portions of Cok (col. 10, lines 14-59; col. 11, lines 9-52) to disclose such features.

Cok discloses that the IDM 170 that a single customer order can be divided into sub-orders 200a-200d (col. 9, lines 44-46). In the passages cited by the Examiner, Cok teaches that the different sub-orders can be sent to different printers 130, 134, 136.

However, Applicants find no explicit teaching in these passages (or anywhere else) in Cok that the printers 130, 134, 135 are required to print out the image data according to a particular sequence.

Even assuming for the sake of argument that Cok's printers 130, 134, 135 print out their respective sub-orders according to a particular sequence (e.g., sequence at which sub-orders are received), Applicants respectfully submit that Cok fails to teach that the IDM 170 may change this sequence based on a received instruction.

Thus, Applicants respectfully submit that Cok fails to disclose that the print processing device changes a print sequence according to a change instruction transmitted from the print order device, as required by claim 5.

Because Cok fails to disclose all of the claimed features recited in claim 5, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 5.

#### **No Prosecution History Estoppel**

According to the above amendments, claims 4 and 5 are hereby presented in independent form. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims 4 and 5 in view of the fact that the same subject matter has been continuously presented in these claims since the original filing date of the present application.

### **New Claims**

Claims 22-33 are new. Applicants respectfully submit that the filing of these new claims do not add any new matter to the present application. It is respectfully submitted that the subject matter of claims 22-33 are fully supported, *inter alia*, in the originally filed claims.

Furthermore, it is respectfully submitted that these claims recite features similar to those discussed above in connection with independent claims 3, 4, and 5. Thus, Applicants respectfully submit that new claims 22-33 are similarly in condition for allowance.

### **Conclusion**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicant respectfully petitions for a two (2) month extension of time for filing a response in connection with the present application. The required fee of \$450.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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